



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

December 20, 2016  
Certified Mail/Return  
7012 3460 0003 1112 7758

Elk Creek Community Services District  
P.O. Box 189  
Elk Creek, CA 95939

Attention: Stan Drummond, President

**Subject: Elk Creek Community Services District, Public Water System No. 1100616 – Citation No. 21-16C-029 for failure to comply with Compliance Order 21-16R-006 Directives.**

It has come to our attention that the Elk Creek Community Services District water system failed to complete directives given in Compliance Order 21-16R-006, issued on November 21, 2016. The Division of Drinking Water hereby issues the enclosed Citation, which includes directives for corrective action.

**Please be advised that failure to comply with the enclosed directives by the deadlines specified therein will result in further civil penalties.**

Section 116577 of the Health and Safety Code allows the Water Board to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order. Currently, the hourly rate is approximately \$163.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, appearing to read "R. Crenshaw".

Reese B. Crenshaw, P.E.  
Valley District Engineer  
DRINKING WATER FIELD  
OPERATIONS BRANCH

cc: Arnold Kjer, Water System Operator  
Glenn County Environmental Health

Enclosures

1  
2  
3  
4  
5  
6  
7  
8  
9

**STATE OF CALIFORNIA**  
**STATE WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

10 **To:** Elk Creek Community Services District  
11 Attn: Stan Drummond, President  
12 P.O. Box 189  
13 Elk Creek, CA 95939  
14

15 **Issued:** December 20, 2016  
16 VIA CERTIFIED MAIL  
17  
18

19 **CITATION NO. 21-16C-029 FOR VIOLATION OF**  
20 **DIRECTIVES 1, 2, 4, 5, AND 9 OF COMPLIANCE ORDER 21-16R-006.**  
21

22 Section 116650 of Chapter 4 of Part 12 of Division 104 of the California Health and  
23 Safety Code (H&S Code) authorizes the issuance of a citation for failure to comply  
24 with a requirement of the California Safe Drinking Water Act or any regulation,  
25 standard, permit, or order issued thereunder.  
26

27 The State Water Resources Control Board (hereinafter "Board"), acting by and  
28 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director  
29 for the Division, hereby issues this Citation to Elk Creek Community Services District  
30 for failure to comply with applicable sections of the California Health and Safety

1 Code (hereinafter "CHSC"), and specific Compliance Order (No. 21-16R-006)  
2 directives. These are specified in Attachment 'A'.

3  
4 **APPLICABLE AUTHORITIES**

5 See Attachment 'A' for Applicable Authorities

6  
7 **STATEMENT OF FACTS**

8 The Elk Creek CSD water system (hereinafter, "System") is a community water  
9 system located in Glenn County that supplies water for domestic purposes to  
10 approximately 300 people. The System uses treated surface water from the Stony  
11 Gorge Reservoir as its source of domestic water. The approved alternative filtration  
12 treatment technology utilizes a parallel train of 100 gpm contact clarifiers with  
13 buoyant media, followed by dual-media filtration.

14  
15 As of the date of this Citation the System has failed to comply with the following  
16 directives specified in Compliance Order 21-16R-006, issued on November 21,  
17 2016:

- 18
- 19 • Directive 1: Failure to submit a written response within two weeks of the  
20 date of the order, indicating a willingness to comply with the specified  
21 directives.
  - 22 • Directive 2: Failure to provide a Grade 3 treatment (T3) Chief Operator  
23 and a Grade 2 (T2) Shift Operator. Also failure to have a Chief or Shift  
24 operator on-site at all times that the facility is being operated without  
25 reliability features in place.
  - 26 • Directive 4: Failure to post the Boil Water Notice in conspicuous public  
places and by direct mail to each customer.

- 1 • Directive 5: Failure to submit to the Division proof that the Boil Water  
2 Notice was mailed to customers, and posted in conspicuous places by no  
3 later than **December 12, 2016**.
- 4 • Directive 9: Failure to submit weekly status reports to the Division.

#### 5 6 **DETERMINATIONS**

7 The Division has determined that the System continues to be in violation of  
8 Directives 1, 2, 4, 5, and 9 of Compliance Order 21-16R-006, issued on November  
9 21, 2016.

#### 10 11 **ADMINISTRATIVE PENALTY**

12 Sections 116650(d) and 116650(e) of the California Health and Safety Code allow  
13 for the assessment of a penalty for failure to comply with requirements of the  
14 California SDWA.

15  
16 **For failure to comply with Compliance Order directives, the Division hereby**  
17 **assesses the Water System of a civil penalty of \$200.**

#### 18 19 **DIRECTIVES**

20 The System is hereby directed to complete the following actions:

- 21  
22 1. Comply with Directives 1, 2, 4, 5, and 9 specified in Attachment 'A' by the  
23 following dates:
  - 24 • Directive 1 – Written response: **Within one week of the date of this**  
25 **Citation.**
  - 26 • Directive 2 - Operator requirements: **By February 1, 2017.**
  - 27 • Directive 4 – Boil Water Notice: **Immediately.**

- 1 • Directive 5 – Proof of Boil Water Notice: **Within one week of posting**
- 2 **the Boil Water Notice.**
- 3 • Directive 9 – Weekly status reports: **By January 2, 2017.**
- 4

- 5 2. **Submit to the Board Accounting Office by February 1, 2017, a check**
- 6 **for the penalty of \$200.00 imposed by this Citation.** The citation
- 7 number (21-16C-029) shall be written on the check. The check shall be
- 8 made payable to the **California Division of Drinking Water – Safe**
- 9 **Drinking Water Account** and mailed to the Board along with Attachment
- 10 ‘B’ entitled “Notice of Citation Issuance.”
- 11
- 12 3. Complete and return Attachment ‘C’ entitled “Compliance Certification” to
- 13 the address listed below by **February 15, 2017.**
- 14

15 All submittals required by this citation shall be addressed to:

16 Reese B. Crenshaw, P.E.  
17 Valley District Engineer  
18 Drinking Water Field Operations Branch  
19 Division of Drinking Water  
20 State Water Resources Control Board  
21 364 Knollcrest Drive, Suite 101  
22 Redding, CA 96002  
23 (530) 224-4800  
24

25 Nothing in this Citation relieves the System of its obligation to meet the requirements  
26 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe  
27 Drinking Water Act), or any regulation, permit, standard or order issued or adopted

1 thereunder. The Division reserves the right to make such modifications to this  
2 Citation, as it may deem necessary to protect public health and safety. Such  
3 modifications may be issued as amendments to this Order and shall be effective  
4 upon issuance.

5  
6 **FURTHER ENFORCEMENT ACTION**

7 The California SDWA authorizes the Board to: issue citation with assessment of  
8 administrative penalties to a public water system for violation or continued violation  
9 of the requirements of the California SDWA or any regulation, permit, standard,  
10 citation, or order issued or adopted thereunder including, but not limited to, failure to  
11 correct a violation identified in a citation or compliance order.

12  
13 The California SDWA also authorizes the Board to take action to suspend or revoke  
14 a permit that has been issued to a public water system if the system has violated  
15 applicable law or regulations or has failed to comply with an order of the Board; and  
16 to petition the superior court to take various enforcement measures against a public  
17 water system that has failed to comply with or violates an order of the Board. The  
18 Board does not waive any further enforcement action by issuance of this citation.

19  
20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon the System, its officers, directors,  
22 agents, employees, contractors, successors, and assignees.

23  
24 **SEVERABILITY**

25 The directives of this Citation are severable, and the System shall comply with each  
26 and every provision thereof notwithstanding the effectiveness of any other provision.

27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

12/20/2016

*Richard L. Hinrichs*

Date

Richard L. Hinrichs, P.E., Chief  
Northern California Section  
Division of Drinking Water  
State Water Resources Control Board

Attachments:

- Attachment A – Applicable Authorities
- Attachment B – Notice of Citation Issuance
- Attachment C – Compliance Certification
- Attachment D – Weekly Status Report



cc: Bruce Burton, Assistant Deputy Director,  
-Northern California Drinking Water FOB  
Kevin Backus, Glenn County Environmental Health

## APPLICABLE AUTHORITIES

### Section 116650 of the CHSC states:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

**Directives 1, 2, 4, 5, and 9 of Compliance Order 21-16R-006 (issued November 21, 2016) provided:**

1. *Submit a written response **within two weeks of the date of this Order**, indicating a willingness to comply with the directives below.*
2. *The System must **immediately** correct deficiency number 4 specified in the Statement of Facts (see below). The T3 operator must inspect the treatment plant monthly and sign the treatment records.*

Deficiency #4: *The System requires a Grade 3 treatment (T3) Chief Operator and a Grade 2 (T2) Shift Operator. Currently the treatment plant is being operated by a sole T2 Shift Operator. Additionally, there must be a Chief or a Shift operator on-site at all times that the facility is being operated until reliability (shutdown) features are in place. (Sections 63765(a) and 64413.5(a,b,c) of the CCR and Section 106885(a) of the CHSC).*

4. *The System shall continue to post the Boil Water Notice (Appendix E) issued on November 2, 2016 (also issued via email to Arnold Kjer and Stan Drummond). Any changes to the Notice must be approved by the Division of Drinking Water. **Public Notification of the Boil Water Notice must be made by the following methods:***
  - a) *Direct mail to each customer, and*
  - b) *Posting in conspicuous public places to reach non billing paying customers, such as the post office.*

Attachment A

5. *The System must submit to the Division proof that the Boil Water Notice was mailed to consumers, and posted in conspicuous places by no later than **December 12, 2016** (See certification form in Appendix F).*
  
9. *Weekly Status reports shall be submitted to the Division using the form provided in Attachment D.*

**STATE OF CALIFORNIA  
Division of Drinking Water  
State Water Resources Control Board**

**Notice of Citation Issuance**

**System Name:** Elk Creek Community Services District

**System Number:** 1100616

**Background Statement**

During the month of December 2016, the Division of Drinking Water issued Citation No. 21-16C-029 to the Elk Creek Community Services District. The citation carried an administrative penalty in the amount of \$200.00

**Method of Payment**

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **February 1, 2017**. The citation number shall be written on the check. The check shall be made payable to the **California Division of Drinking Water - Safe Drinking Water Account** and submitted to:

SWRCB Accounting Office  
Attn: Drinking Water Program  
PO Box 1888  
Sacramento, CA 95812-1888

---

Please attach check below:

**COMPLIANCE CERTIFICATION**

Citation Number: **21-16C-029**

Name of Water System: **Elk Creek Community Services District**

System Number: **1100616**

As required by Section 116450 of the California Health and Safety Code, I certify that the Elk Creek Community Services District complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$200.00 Administrative Penalty to the Board Accounting Office in Sacramento, as required by Directive 2 of the Citation.	_____
_____	_____
Signature of Water System Representative	Date

**Attach a copy of the check for payment of the administrative penalty.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION  
NO LATER THAN FEBRUARY 15, 2017.**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

# Weekly Status Report

Water System: <b>Elk Creek Community S.D.</b>	Water System No.: <b>1100616</b>
Compliance Order No. <b>21-16R-006</b>	Violation: <b>Multiple deficiencies necessitating a Boil Water Notice</b>
Calendar Week:	Date Prepared:

This form should be prepared and signed by water system personnel with appropriate authority to implement the directives of the Compliance Order. Please attach additional sheets as necessary. Weekly status reports must be submitted by Tuesday of each following week to the Division of Drinking Water, Valley District Office.

**Summary of progress in the reporting week of \_\_\_\_\_ :**

**Anticipated compliance date :** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date